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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/645,208

08/21/2003

Frans Tuomela

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EXAMINER

FIGUEROA, MARISOL

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

07/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/645,208

Applicant(s)

TUOMELA ET AL.

Examiner

Marisol Figueroa

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed on 6/15/2007 have been fully considered but they are not persuasive.

In response to Applicant's arguments that the Peters reference does not show or describe at least "sending to the terminal a proposal of an address of said at least one other communication system by utilizing a data transmission connection to be accepted and/or activate the redirection wherein the proposal comprises one or more possible call forward targets of the at least one other communication system outside a home network of the terminal", as recited in claim 1, because although Peters describes a method of automatically routing incoming calls, the calls are automatically rerouted to a destination assigned by a "presence gatherer". See, for example, col. 4:13-col.4:48. In Peters, a "presence gatherer" determines a suitable terminal in which to forward the call, and the call is automatically forwarded to the terminal designated by the "presence gatherer". There is no description of sending a "proposal of an address of said at least one other communication system", "to be accepted and/or to activate the redirection wherein the proposal comprises one or more possible call forward targets". For example, quoting from col 5:43 - col 5:47 of Peters, "The address receiving unit ADD_RX receives this address and applies it to the control terminal of the call forwarding unit CALL_FW which automatically forwards the fax call to the facsimile terminal FAX_T." As clearly illustrated by the foregoing portion of Peters, a suitable destination is determined by the "presence gatherer", and the call is automatically forwarded to the suitable destination via the call forwarding unit "CALL_FW", which is an element of the mobile terminal "MOB_T" that receives the call. (pages 6-7 of Applicant's arguments)

The Examiner respectfully disagrees. Because, although as argued by the Applicant the “presence gatherer” is the one determining the most suitable terminal in which to forward a call, the presence gatherer sends the address of this terminal to the mobile terminal MOB_T (Peters, col. 4 lines 12-29), and this is read as sending a proposal of an address of another communication system to the terminal MOB_T.

Furthermore, the mobile terminal MOB_T upon receiving the address, uses the address to forward the incoming call to the most suitable terminal (Peters, col. 4 lines 30-32). In detail (Peters, col. 5, lines 40-46), the address receiving unit ADD_RX of the mobile terminal MOB_T receives the address and applies to the control terminal of the call forwarding unit CALL_FW which automatically forwards the call to the most suitable terminal (e.g., facsimile terminal).

This passage teaches that the mobile terminal MOB_T upon receiving the address of the most suitable terminal (i.e., proposal) accepts and/or activates the redirection, since automatically applying the address for call forwarding denotes acceptance and/or activation of call forwarding to the most suitable terminal.

Therefore, Peters does not distinguish from the claim limitations.


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